



**EARTHJUSTICE**

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

April 6, 2012

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ENVIRONMENTAL  
HEARING BOARD

**By Fax to (717) 783-4738**

Secretary to the Board  
Environmental Hearing Board  
2nd Floor, Rachel Carson State Office Building  
400 Market Street, P.O. Box 8457  
Harrisburg, PA 17105-8457

**Re: Notice of Appeal: Sierra Club, Clean Air Council and  
PennEnvironment, Appellants v. Commonwealth of Pennsylvania  
Department of Environmental Protection, Appellee**

Dear Secretary to the Board:

2012-067-

Enclosed for filing please find a Notice of Appeal in the above-captioned matter. The original and two copies will be submitted via First Class Mail.

Should you have any questions, please do not hesitate to contact me at (215) 206-0352 or [cmcphe dran@earthjustice.org](mailto:cmcphe dran@earthjustice.org).

Respectfully,

Charles McPhedran, Esq.  
Earthjustice

Enclosure

Rev. 01-2010



COMMONWEALTH OF PENNSYLVANIA  
**ENVIRONMENTAL HEARING BOARD**

2<sup>nd</sup> Floor – Rachel Carson State Office Building  
400 Market Street, P.O. Box 8457  
Harrisburg, PA 17105-8457

Vincent Gustitus  
Secretary to the Board

(717) 787-3483  
Telecopier: (717) 783-4738  
<http://ehb.courtapps.com>

## NOTICE OF APPEAL

### 1. Name, address and telephone number of Appellant:

Sierra Club 85 Second Street, Second Floor San Francisco, CA 94105 (415) 977-5500	Clean Air Council 135 South 19th St., Suite 300 Philadelphia, PA 19103 (215) 567-4004	PennEnvironment 1420 Walnut Street, Suite 650 Philadelphia, PA 19102 (215) 732-5897
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### 2. Subject of your appeal:

**(a) Action of the Department for which review is sought (*a copy must be attached*):**

The Notice of Appeal alleges the failure of the Department to issue or deny Title V air quality operating permit renewals. While this failure is an appealable action as alleged in the Notice of Appeal, as there has been no action by the Department, no copy is attached.

**(b) The Department's official who took the action:**

As the Notice of Appeal alleges the failure of the Department to take action, there is no specific Department official who took an action under appeal. We are providing copies of our Notice of Appeal to Department regional air quality officials.

**(c) The location of the operation or activity which is the subject of the Department's action (municipality, county):**

While this appeal alleges inaction by the Department, there are 10 plant locations referenced in the Notice of Appeal:

1. AES Beaver Valley Plant, Monaca, Beaver County
2. Armstrong Power Station, Washington Twp., Armstrong County
3. Bruce Mansfield Power Station, Shippingport, Beaver County
4. Elrama Power Plant, Union Twp., Washington County

5. Hatfield's Ferry Power Station, Monongahela Twp., Greene County
6. Homer City Power Plant, Homer City, Indiana County
7. Mitchell Power Station, Monongahela City, Washington County
8. Montour Power Plant, Washingtonville, Montour County
9. Sunbury Plant, Shamokin Dam, Snyder County

**(d) On what date and how you received notice of the Department's action:**

The Notice of Appeal alleges the failure of the Department to take action.

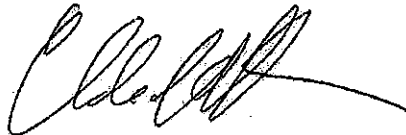
**3. *Objections to the Department's action in separate, numbered paragraphs.* The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Attach additional sheets, if necessary.**

Please see Objections Nos. 1-10 attached below.

**4. Specify any related appeal(s) now pending before the Board. If you are aware of any such appeal(s) provide that information.**

We are not aware of any related appeals pending before the Board.

The information submitted is true and correct to the best of my information and belief.



\_\_\_\_\_  
Signature of Appellant or Appellant's Counsel

Telephone No.: (215) 206-0352

If you have authorized counsel to represent you, please supply the following information (**CORPORATIONS MUST BE REPRESENTED BY COUNSEL**):

Charles McPhedran, Esq.  
Name (Type or Print)

156 William St., Suite 800  
Address

New York, NY 10038-5326

(215) 206-0352  
(Area Code) Telephone Number

**THIS FORM AND THE PROOF OF SERVICE MUST BE RECEIVED BY THE ENVIRONMENTAL HEARING BOARD WITHIN 30 DAYS AFTER YOUR RECEIPT OF NOTICE OF THE ACTION OF THE DEPARTMENT THAT YOU ARE APPEALING. MAIL OR HAND-DELIVER YOUR APPEAL AND PROOF OF SERVICE TO:**

**ENVIRONMENTAL HEARING BOARD  
2<sup>nd</sup> Floor, Rachel Carson State Office Building  
400 Market Street, P.O. Box 8457  
Harrisburg, PA 17105-8457**

**You may wish to send your appeal to the Environmental Hearing Board by certified mail, return receipt, so that you know your appeal was received by it within the required time.**

**TDD users please contact the Pennsylvania Relay Service at 1-800-654-5984. If you require an accommodation or this information in an alternative form, please contact the Secretary to the Board at 717-787-3483.**

**PROOF OF SERVICE**

Charles McPhedran (Appellant or Appellant's Counsel, if appellant is represented by an attorney) hereby certifies that a copy of the notice of appeal, was on April 6, 2012, served upon \_\_\_\_\_, served upon \_\_\_\_\_ (date)

**(OUR NOTICE OF APPEAL ALLEGES THE FAILURE TO ACT)**

The Office of Chief Counsel of the Department or agency taking the action appealed. via  first class mail, postage pre-paid  
 overnight delivery  
 personal delivery

**AND**

The officer of the Department who took the action being appealed. via  first class mail, postage pre-paid  
 overnight delivery  
 personal delivery

**AND**

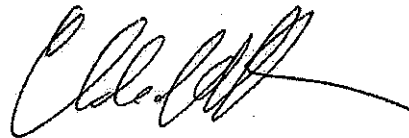
If your appeal is from the Department's issuance of a permit, license, approval, or certification to another person,

The recipient of the permit, license, approval, or certification. via  first class mail, postage pre-paid  
 overnight delivery  
 personal delivery

**AND**

Where applicable, the following:

- Any affected municipality, its municipal authority, and the proponent of the decision, where applicable, in appeals involving a decision under Sections 5 or 7 of the Sewage Facilities Act, 35 P.S. §§ 750.5, 750.7;
- The mining company in appeals involving a claim of subsidence damage or water loss under the Bituminous Mine Subsidence and Land Conservation Act, 52 P.S. § 1406.1 et seq.;
- The well operator in appeals involving a claim of pollution or diminution of a water supply under Section 208 of the Oil and Gas Act, 58 P.S. § 601.208;
- The owner or operator of a storage tank in appeals involving a claim of an affected water supply under Section 1303 of the Storage Tank and Spill Prevention Act, 35 P.S. § 6021.1303.
- 



Signature (Appellant or Appellant's Counsel, if appellant is represented by an attorney)

**ENVIRONMENTAL HEARING BOARD**  
2<sup>ND</sup> Floor, Rachel Carson State Office Building  
400 Market Street, Post Office Box 8457  
Harrisburg, Pennsylvania 17105-8457

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**CLEAN AIR COUNCIL** )  
135 South 19<sup>th</sup> St., Suite 300 )  
Philadelphia, PA 19103 )  
(215) 567-4004 )  
and )  
**PENNENVIRONMENT** )  
1420 Walnut Street, Suite 650 )  
Philadelphia, PA 19102 )  
(215) 732-5897 )  
Appellants )  
v. )  
**COMMONWEALTH OF PENNSYLVANIA,** )  
**DEPARTMENT OF ENVIRONMENTAL** )  
**PROTECTION** )  
Appellee )

Docket No. 2012-067-

**NOTICE OF APPEAL**

Under Title V of the federal Clean Air Act (CAA), the Pennsylvania Air Pollution Control Act (APCA), and their implementing regulations, certain sources of air pollution in Pennsylvania must obtain Title V operating permits. These permits collect all requirements applicable to the air pollution source in a single document that can be enforced by government and citizens alike, and are an invaluable tool for citizens seeking to understand plant operations and regulatory requirements that protect the public health. Permit issuance procedures also

provide an opportunity for citizens to be heard, and to petition the United States Environmental Protection Agency (EPA) to object to a permit that does not adequately implement the Clean Air Act.

Title V operating permits are generally valid for five years, at which point they must be renewed to incorporate any new regulatory requirements that have become applicable. These permit renewals are essential to ensure that major sources of pollution are subject to up-to-date pollution control standards and the monitoring requirements necessary to verify compliance with those standards. As designed, these permit proceedings offer the public meaningful notice and an opportunity for comment. However, in Pennsylvania, this program as it applies to many coal-fired power plants has been stalled for several years, and applications for permit renewals are languishing at the Pennsylvania Department of Environmental Protection (Department). This appeal of the Department's failure to issue or deny Title V operating permit renewals for these plants seeks to compel long overdue action on outdated permits for coal plants throughout the Commonwealth.

### **PARTIES**

1. Appellant Sierra Club is a nonprofit corporation headquartered in San Francisco, California, with members throughout the United States, including over 23,000 members in Pennsylvania. The purposes of the Sierra Club are to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. The ongoing failure of the Department to propose Title V operating permits for renewal, to allow public participation, and to ensure that updated safeguards are in place to reduce dangerous pollution from coal-fired

power plants impacts Sierra Club members in Pennsylvania. Specifically, this failure creates a risk of harm from air pollution that is uncontrolled and/or inadequately monitored and reported, and creates a procedural and/or informational injury regarding Title V operating permits by depriving Sierra Club members of their opportunity to provide written comments and to offer testimony at public hearings.

2. Appellant Clean Air Council is a citizens' group headquartered in Philadelphia, Pennsylvania. Clean Air Council is a member-supported, non-profit environmental organization dedicated to protecting everyone's right to breathe clean air. The Council works through public education, community advocacy, and government oversight to ensure enforcement of environmental laws. The ongoing failure of the Department to propose Title V operating permits for renewal, to allow public participation, and to ensure that updated safeguards are in place to reduce dangerous pollution from coal-fired power plants impacts Clean Air Council members in Pennsylvania. Specifically, this failure creates a risk of harm from air pollution that is uncontrolled and/or inadequately monitored and reported, and creates a procedural and/or informational injury regarding Title V operating permits by depriving Clean Air Council members of their opportunity to provide written comments and to offer testimony at public hearings.

3. Appellant PennEnvironment is a non-profit corporation duly organized under the laws of Pennsylvania. PennEnvironment is a statewide environmental advocacy group that is actively engaged in education, research, lobbying, litigation, and citizen organizing to encourage conservation and environmental protection. PennEnvironment has approximately 17,000 members in Pennsylvania. The ongoing failure of the Department to propose Title V operating permits for renewal, to allow public participation, and to ensure that updated safeguards are in



place to reduce dangerous pollution from coal-fired power plants injures PennEnvironment members in Pennsylvania. Specifically, this failure creates a risk of harm from air pollution that is uncontrolled and/or inadequately monitored and reported, and creates a procedural and/or informational injury regarding Title V operating permits by depriving PennEnvironment members of their opportunity to provide written comments and to offer testimony at public hearings.

4. Appellants hereby appeal the Department's failure to approve or disapprove applications for renewals of Title V operating permits and failure to timely issue or deny such permits for the sources of air pollution described herein.

#### **BACKGROUND**

5. The purposes of the CAA are, among other things, "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." 42 U.S.C. § 7401(b)(1).

6. The policy of the APCA is, among other things, to protect the air resources of the Commonwealth to the degree necessary for the protection of the public health, safety, and well-being of its citizens, and to implement the CAA in the Commonwealth. 35 P.S. § 4002(a).

7. Under Title V of the CAA, major and other specified sources of air pollution must obtain a Title V operating permit and must comply with its terms. 42 U.S.C. § 7661a(a). The Clean Air Act and implementing EPA regulations describe in detail the requirements for state programs to implement the Title V permitting requirement. Under these rules, state program elements include (among other things) standard permit applications; monitoring and reporting requirements; annual fees; adequate authority to issue permits and assure compliance with each applicable standard, regulation, or requirement; procedures for processing applications; and

procedures for public notice (including offering an opportunity for public comment and a hearing). 42 U.S.C. § 7661a(b); 40 C.F.R. Part 70. The rules also provide that a failure of a permitting authority to act on a permit application shall be treated as a final permit action solely for purposes of obtaining judicial review in State court. 42 U.S.C. § 7661a(b)(7).

8. Under the CAA, citizens may petition EPA to object to issued Title V permits. *Id.* at 7661d(b)(2).

9. Pennsylvania has adopted regulations implementing Title V of the Clean Air Act. 25 Pa. Code Chapter 127, Subchapter G. These requirements apply to Title V facilities in addition to the requirements of Chapter 127, Subchapter F (Operating Permit Requirements). 25 Pa. Code § 127.501.

10. EPA has approved Pennsylvania's Title V Operating Permit Program.<sup>1</sup>

11. Under Pennsylvania regulations, Title V facilities, including major stationary sources of air pollutants, are required to obtain Title V operating permits. 25 Pa. Code §§ 121.1, 127.502(a).

12. Among other requirements, Title V operating permits issued by the Department "shall contain emission limits and standards, including those operational requirements and limitations that assure compliance with the applicable requirements at the time of permit issuance." 25 Pa. Code 127.512(h).

13. With few exceptions, the Department issues Title V operating permits for a five year term. 35 P.S. § 4006.1(b.2); 25 Pa. Code § 127.446(a).

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<sup>1</sup> Clean Air Act Final Full Approval Of Operating Permits Program; Final Approval of Operating Permit and Plan Approval Programs Under Section 112(l); Final Approval of State Implementation Plan Revision for the Issuance of Federally Enforceable State Plan Approvals and Operating Permits Under Section 110; Commonwealth of Pennsylvania, 61 Fed. Reg. 39,597 (July 30, 1996).

14. A source must apply for renewal of a Title V operating permit at least six months and not more than eighteen months before expiration of the existing permit. 25 Pa. Code § 127.446(e).

15. Department regulations prescribe minimum public participation criteria for Title V operating permit proceedings, including publication of a notice in the Pennsylvania Bulletin and a newspaper of general circulation in the area where the source is located, and notice to persons on a mailing list developed by the Department. This notice shall identify:

- (1) The Title V facility;
- (2) The name and address of the applicant or permittee;
- (3) The name and address of the Department regional office processing the permit;
- (4) The activity involved in the permit action;
- (5) The emissions change involved in a permit modification;
- (6) The name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, relevant supporting materials and other materials available to the Department that are relevant to the permit decision;
- (7) A brief description of the comment procedures required by this article; and
- (8) The time and place of a hearing that may be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled.

25 Pa. Code § 127.521(a-c). The Department must also provide at least 30 days for public comment and give notice of a public hearing at least 30 days in advance of the hearing. 25 Pa. Code § 127.521(e).

16. As noted above, Title V operating permit proceedings under 25 Pa. Code Chapter 127, Subchapter G of the Pennsylvania Code must also satisfy the criteria of Subchapter F therein. Additional criteria under Subchapter F include a public notice that includes the type and quantity of air contaminants being emitted, a brief description of the conditions being placed in the permit, and a description of the procedures for reaching a final decision on the proposed permit action. This description includes the ending date of the receipt of written protests, the procedures for requesting a hearing and the nature of the hearing, and other procedures by which the public may participate in the final decision. 25 Pa. Code § 127.425(3-5).

17. The APCA requires that the Department “approve or disapprove a complete application, consistent with the procedures established by the [Environmental Quality Board] for consideration of such applications, within eighteen (18) months after the date of receipt of the complete application.” 35 P.S. § 4006.1(b.3).

18. Pennsylvania regulations provide that “[f]ailure of the Department to issue or deny a new permit prior to the expiration date of the previous permit for which a timely renewal application has been filed shall be an appealable action.” 25 Pa. Code § 127.446(d); *see also* 42 U.S.C. § 7661a(b)(7).

**OBJECTION NO. 1: AES BEAVER VALLEY**

19. The AES Beaver Valley Plant, located in Beaver County (AES Beaver Valley), is subject to Title V Operating Permit No. 04-00446.

20. On May 26, 2010, the Department received an application for renewal of Title V Operating Permit No. 04-00446.

21. The Department published an “Intent to Issue” the Title V Operating Permit renewal for AES Beaver Valley on August 14, 2010 (40 Pa.B. 4666). This “Intent to Issue” did

not satisfy the minimum public participation provisions of 25 Pa. Code Chapter 127, Subchapters F and G.

22. Title V Operating Permit No. 04-00446 for AES Beaver Valley expired on March 8, 2011.

23. The Department failed to approve or disapprove the Title V Operating Permit renewal application by AES Beaver Valley prior to the expiration date of its Title V Operating Permit, and this failure is continuing.

**OBJECTION NO. 2: ARMSTRONG**

24. The Armstrong Power Station, located in Armstrong County (Armstrong), is subject to Title V Operating Permit No. 03-00023.

25. On February 1, 2006, the Department received an application for renewal of Title V Operating Permit No. 03-00023.

26. The Department published an "Intent to Issue" the Title V Operating Permit renewal for Armstrong on February 18, 2006 (36 Pa.B. 837). This "Intent to Issue" did not satisfy the minimum public participation provisions of 25 Pa. Code Chapter 127, Subchapters F and G.

27. Title V Operating Permit No. 03-00023 for Armstrong expired on July 31, 2006.

28. The Department found the renewal application by Armstrong to be complete not later than December 1, 2009.

29. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Armstrong prior to the expiration date of its Title V Operating Permit, and this failure is continuing.

30. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Armstrong within 18 months after the date of receipt of the complete application, and this failure is continuing.

**OBJECTION NO. 3: BRUCE MANSFIELD**

31. The Bruce Mansfield Plant, located in Beaver County (Bruce Mansfield), is subject to Title V Operating Permit No. 04-00235.

32. On May 22, 2007, the Department received an application for renewal of Title V Operating Permit No. 04-00235.

33. The Department published an "Intent to Issue" the Title V Operating Permit renewal for Bruce Mansfield on June 23, 2007 (37 Pa.B. 2842). This "Intent to Issue" did not satisfy the minimum public participation provisions of 25 Pa. Code Chapter 127, Subchapters F and G.

34. Title V Operating Permit No. 04-00235 for Bruce Mansfield expired on November 22, 2007.

35. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Bruce Mansfield prior to the expiration date of its Title V Operating Permit, and this failure is continuing.

**OBJECTION NO. 4: ELRAMA**

36. The Elrama Plant, located in Washington County (Elrama), is subject to Title V Operating Permit No. 63-00014.

37. On June 30, 2006, the Department received an application for renewal of Title V Operating Permit No. 63-00014.

38. Title V Operating Permit No. 63-00014 for Elrama expired on December 31, 2006.

39. The Department published an "Intent to Issue" the Title V Operating Permit renewal for Elrama on May 19, 2007 (37 Pa.B. 2309). This "Intent to Issue" did not satisfy the minimum public participation provisions of 25 Pa. Code Chapter 127, Subchapters F and G.

40. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Elrama prior to the expiration date of its Title V Operating Permit, and this failure is continuing.

**OBJECTION NO. 5: HATFIELD'S FERRY**

41. The Hatfield's Ferry Power Station, located in Greene County (Hatfield's Ferry), is subject to Title V Operating Permit No. 30-00099.

42. On May 30, 2006, the Department received an application for renewal of Title V Operating Permit No. 30-00099.

43. The Department found the renewal application by Hatfield's Ferry to be complete on June 6, 2006.

44. The Department published an "Intent to Issue" the Title V Operating Permit renewal for Hatfield's Ferry on June 24, 2006 (36 Pa.B. 3120). This "Intent to Issue" did not satisfy the minimum public participation provisions of 25 Pa. Code Chapter 127, Subchapters F and G.

45. Title V Operating Permit No. 30-00099 for Hatfield's Ferry expired on November 29, 2006.

46. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Hatfield's Ferry prior to the expiration date of its Title V Operating Permit, and this failure is continuing.

47. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Hatfield's Ferry within 18 months after the date of receipt of the complete application, and this failure is continuing.

**OBJECTION NO. 6: HOMER CITY**

48. The Homer City Plant, located in Indiana County (Homer City), is subject to Title V Operating Permit No. 32-00055.

49. On July 31, 2008, the Department received an application for renewal of Title V Operating Permit No. 32-00055.

50. The Department found the renewal application by Homer City to be complete on August 5, 2008.

51. Title V Operating Permit No. 32-00055 for Homer City expired on January 30, 2009.

52. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Homer City prior to the expiration date of its Title V Operating Permit, and this failure is continuing.

53. The Department failed to approve or disapprove the Title V Operating Permit renewal application by the Homer City within 18 months after the date of receipt of the complete application, and this failure is continuing.

**OBJECTION NO. 7: MITCHELL**



54. The Mitchell Plant, located in Washington County (Mitchell), is subject to Title V Operating Permit No. 63-00016.

55. On September 27, 2006, the Department received an application for renewal of Title V Operating Permit No. 63-00016.

56. The Department found the renewal application by Mitchell to be complete on October 5, 2006.

57. Title V Operating Permit No. 63-00016 for Mitchell expired on March 26, 2007.

58. The Department published an "Intent to Issue" the Title V Operating Permit renewal for Mitchell on December 8, 2007 (37 Pa.B. 6431). This "Intent to Issue" did not satisfy the minimum public participation provisions of 25 Pa. Code Chapter 127, Subchapters F and G.

59. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Mitchell prior to the expiration date of its Title V Operating Permit, and this failure is continuing.

60. The Department failed to approve or disapprove the Title V Operating Permit renewal application by the Mitchell within 18 months after the date of receipt of the complete application, and this failure is continuing.

**OBJECTION NO. 8: MONTOUR**

61. The Montour Plant, located in Montour County (Montour), is subject to Title V Operating Permit No. 47-00001.

62. On May 10, 2005, the Department received an application for renewal of Title V Operating Permit No. 47-00001.

63. The Department found the renewal application by Montour to be complete on May 23, 2005.

64. Title V Operating Permit No. 47-00001 for Montour expired on November 15, 2005.

65. The Department published an "Intent to Issue" the Title V Operating Permit renewal for Montour on January 8, 2011 (41 Pa.B. 259). This "Intent to Issue" did not satisfy the minimum public participation provisions of 25 Pa. Code Chapter 127, Subchapters F and G.

66. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Montour prior to the expiration date of its Title V Operating Permit, and this failure is continuing.

67. The Department failed to approve or disapprove the Title V Operating Permit renewal application by the Montour within 18 months after the date of receipt of the complete application, and this failure is continuing.

**OBJECTION NO. 9: SUNBURY**

68. The Sunbury Plant, located in Snyder County (Sunbury), is subject to Title V Operating Permit No. 55-00001.

69. On May 12, 2005, the Department received an application for renewal of Title V Operating Permit No. 55-00001.

70. The Department found the renewal application by Sunbury to be complete on June 29, 2005.

71. Title V Operating Permit No. 55-00001 for Sunbury expired on November 16, 2005.

72. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Sunbury prior to the expiration date of its Title V Operating Permit, and this failure is continuing.

73. The Department failed to approve or disapprove the Title V Operating Permit renewal application by Sunbury within 18 months after the date of receipt of the complete application, and this failure is continuing.

**CONCLUSION**

The Department's failure to approve or disapprove Title V operating permit renewal applications and failure to issue or deny Title V operating permits as alleged herein are violations of the Air Pollution Control Act, the Clean Air Act, and regulations implementing these statutes. These failures and these violations are continuing.

By this action, Plaintiffs seek an Adjudication and Order:

- A. That the Department propose Title V operating permits for all plants described herein as expeditiously as possible;
- B. For the plants and proposals described herein, that the Department offer all public participation provisions under its regulations, including but not limited to the opportunity to be heard by written comment and a public hearing; and
- C. That provides other relief as appropriate.

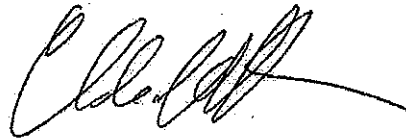
Appellants reserve the right to amend the factual and legal contentions in this Notice of Appeal as authorized by the Board's rules and regulations.

**The information submitted in this document is true and correct to the best of my information and belief.**

Respectfully submitted,

FOR APPELLANTS SIERRA CLUB,  
CLEAN AIR COUNCIL, AND

PENNENVIRONMENT



4/6/2012

Date

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